IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1236 of 1984
WITH
SPECIAL CIVIL APPLICATIONS No.1934 of 1984 & 3550 of1983

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AGRI. PRODUCE MARKET

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1236 of 1984

MR KG VAKHARIA for Petitioner No. 1

MS BR Gajjar,AGP for Respondent No. 1

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 18/09/2001

ORAL JUDGEMENT

1. The petitioners in this group of matters have challenged the legality and validity of Gujarat Cooperative Societies (Amendment) Rules 1982 while issuing notification dated July 6,1982 published in the

Government Gazette dated September 16,1986. By the above referred rules, Schedule was appended to the Gujarat Cooperative Societies Act, 1965 and by the said Schedule, the scales of audit fees were prescribed. The petitioners challenge Entry 2(F)(1) of the said Schedule whereby the Agricultural Produce Market Committees are covered, being ultra vires to the powers of the State Government.

2. When these matters were called out for hearing today, learned Counsel Mr. Vakharia submitted that this Court has disposed of similar petition being Special Civil Application No. 3884 of 1994 on 12.1.2001. Learned Counsel Mr. Vakharia also produced a copy of the said order before me.

3. Having gone through the said order, it is clear that the learned AGP placed on record notification dated 3.1.1987 issued by the Deputy Secretary, Cooperative Department, Government of Gujarat, whereby the notification dated July 6,1982 impugned in these petitions has been set aside and the earlier audit fees are continued. Learned AGP Ms. Gajjar also produced the said notification dated 3.1.1987 in the present proceedings. Having heard the learned Counsel appearing for the parties and having perused the impugned notification dated July 6,1982 and the subsequent notification dated 3.1.1987, it is abundantly clear that by subsequent notification, the previous notification has been set aside and the fees which were recoverable prior to issuance of notification dated July 6,1982 shall continue. Therefore, I am of the opinion that the grievance voiced in these petitions now does not survive. In my opinion, these petitions have become infructuous and they accordingly stand disposed of.

Rule is discharged with no order as to costs. Interim relief stands vacated.

A copy of the notification dated 3.1.1987 placed on record by the learned AGP shall be retained on record.

(K.R.Vyas,J.)

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